IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4162 OF 2004

Shri Narayanrao Bhagawanrao
Rajebahadur .. Petitioner

Vs.

The Special Land Acquisition Officer
No.1, Nashik & Anr. ..Respondents

Mr.U.B.Nighot for the petitioner

Mr.A.H.Palekar for the state

CORAM : S.U.KAMDAR, J
DATED : 2ND DECEMBER, 2005

P.C.:

1. By an order dt.21.4.03 the application of the petitioner to seek enhancement of compensation under section 28 (A) of the Land Acquisition Act, 1894 has been rejected. The two grounds given are; firstly that the application is beyond time. However while computing the period of limitation the learned Officer has not excluded the period taken for certified copy of the reference judgement dt.30.6.99 and thus came to the conclusion that the application is beyond time. However, if the said time is excluded application is within time.

2. The second ground given in the impugned order is that the petitioner is not entitled to the benefit because his land is not covered by the said award. However, the learned counsel has produced before me the copy of award along with the statement annexed thereto indicating the name of the petitioner under the very same award. In that view of the matter, neither of the reasons are accurate.

3. Thus, the impugned order dt.21.4.03 is set aside and the Special Land Acquisition Officer is directed to re-hear the application under section 28 (A) of the Land Acquisition Act of the petitioner and determine the same afresh on its own merits. The application to be determined within 4 months from today. Petition disposed of accordingly. No order as to costs.